

M. T. RECEIVERS REPROVED**MUST OBEY P. S. BOARD'S ORDERS. DECLARES WILLCOX.**

Live Up to the Law or Take the Consequences. He Writes—Suggests That Adequate Service Can't Be Rendered Franchises May Be Given Up.

Chairman Willcox of the Public Service Commission sent yesterday to Adrian H. Joline and Douglas Robinson, the receivers for the Metropolitan system, a sharply worded reply to the complaint made by the receivers that some of the commission's orders, particularly the one directing an improvement of the service on the Eighth street line, were "oppressive and confiscatory." The letter says that if the receivers contained the threat that if the order relating to the Eighth street line was insisted on the receivers would take care of some of the main lines of travel.

Mr. Willcox reminds the receivers that while they were appointed by a Federal court they are nevertheless subject to the statutes of the State and that the laws will have to be obeyed. Mr. Willcox points out that all the commission directed was that an adequate service be maintained on the lines of the Metropolitan system, and Mr. Willcox adds without qualification, the commission intends to see that its orders are carried out to the letter.

Quoting from the reports of the commission's inspectors, Mr. Willcox relates that in the rush hours on the Eighth street line the average number of passengers carried in each car was 77, while the seating capacity of the cars was 27, and adds: "Consequently, upon an average, every car carried fifty persons standing, or nearly three times as many passengers as there were seats. Is it surprising that the Eighth street line is said to be the most congested lines in the city? That the cars are often crowded to the point of indecency, not to mention discomfort, can be conclusively shown to any one who will inspect the cars. Yet you object to orders which require you to run from twenty to thirty more cars in the morning and evening, and you intimate that if you are required to do so you will disrupt the system."

Mr. Willcox says that at the hearings on the conditions of the Eighth street route none of the representatives of the receivers attended to refute the evidence handed in by the inspectors, although notice of such hearings had been served upon the receivers. Mr. Willcox's letter continues:

"You state in your letter that you have not cars enough to give adequate service. Yet you have known for months that the Eighth street line for eight months to our positive knowledge, and if your organization is efficient you must have known of it for many months more. You certainly knew of it last August when you agreed to rent forty cars to a separate and independent company. Yet the orders become effective upon January 18 would require only twenty or thirty cars more than have been operated."

"You must be aware that the laws of this State require that every street railroad corporation shall have sufficient cars and motive power to meet all the requirements which may reasonably be anticipated, unless relieved therefrom by order of this commission. It is therefore incumbent upon you to provide sufficient equipment and motive power to render adequate service. This you have not done admittedly, and you say in your letter 'we do not intend to place any additional orders for cars.' This statement appears to be a flat refusal to obey the laws of the State of New York."

The commission notes with astonishment the veiled threat in your letter that if this commission insists upon compliance with the statute and with the orders of this commission you will continue your policy of breaking up the street railroad system of Manhattan into small sections.

Neither this statement nor any similar one will induce this commission to disregard the law or knowingly allow any one to successfully resist it. In carrying out its policy of disruption, you may be able to get your legal rights, provided the United States court is willing to assume the responsibility for your acts, but you cannot shift the responsibility therefor upon this commission. If you insist, as a reply to the order of the commission requiring you to obey the law, that the public shall be still further inconvenienced and injured, this commission will exercise every power that it has to prevent this result. The law can be enforced without harshness, but if you adopt the policy you suggest, when there are other ways open to you, you alone are responsible. Ordinarily, when a company cannot obey the law, the suggestion is made that it surrender its franchise or allow others to manage its affairs."

Mr. Willcox asserts in the closing pages of his communication that the commission will stand no nonsense from the receivers. To take cars from one line to increase the service of another line in disobedience to the orders of the board will be a violation of the statute, he says, and threatens that from now on close inspections will be made of every line controlled by the receivers.

"And, Mr. Willcox adds, 'if compliance is not had with those orders proceedings will be begun immediately in the courts to enforce the penalties. You refer to the appraisal being made by this commission of the property under the control as a reason why orders for adequate service should not be issued. The law recognizes no such excuse, and this commission has never entered into any understanding with you that the commission would suspend the law or stop the issuance of orders for improved service. You object to 'interference' in your affairs by this commission and ask to be allowed to do as you please. Compliance with the requirements of the statutes would have made it unnecessary for this commission to issue the many orders it has found necessary to issue; continued non-compliance will force us to continue."

Senator McCarren for "Harmony."

A "harmony" resolution will be presented to-night at the meeting of the Democratic county committee in Brooklyn, either by Senator McCarren himself or under his direction. It will call for the appointment of a special committee by the chairman to confer with any faction or individual who has plans for bringing about complete union in the Democratic party in Kings county.

The Census Bill Sent to Conference.

WASHINGTON, Jan. 11.—In the House today the bill for the taking of the thirtieth census was sent to conference on the amendments made thereto by the Senate, to all of which the House disagreed. The conference will be held in the Senate chamber at 10 o'clock tomorrow. The bill is the work of Mr. Crum, of Indiana, Burleigh of Maine and May of Virginia. Most of the day was spent in the consideration of District of Columbia business.

Bill to Pay For a Joy Ride.

Charles Kaye of Kaye & Einstein, further obtained a verdict for \$1,342 against the Palace Automobile Company, because the foreman of the concern borrowed his machine for a joy ride and smashed it. Kaye says in his case Mr. Kaye what he said for.

MORTGAGE LOANS.**On Manhattan Real Estate.****Low Fees.****MOOYER & MARSTON,****26 Exchange Place.****PITTSBURGH GOING SLUMMING.****The Rest of the City Goin' With Gypsy Smith Into the Red Light Region.**

PITTSBURGH, Jan. 11.—Official notice of the parade of Gypsy Smith into the red light district of Pittsburgh to-morrow night was given out here this evening. Unless the cold wave which to-night threatens Pittsburgh interferes it is expected that 25,000 people will follow the evangelist on this trip.

It is announced that he will be accompanied by a special body guard of 500 Pittsburgh ministers, a chorus of 500 singers from the principal churches, a platoon of 400 church workers under the Rev. Warren G. Partridge, 150 church ushers, and 300 policemen. The Salvation Army with a brass band will lead all and the Volunteers of America with string bands will go along.

Street car traffic in that part of the city is to be suspended from 10 to 12, the hours of the invasion.

To-day Smith talked with 1,000 young men at lunch hour and asked all who would follow him into the red light district to stand up, and the thousand young men rose as one.

Director Lang has ordered all the police reserves out, as well as the day force, to help cope with the crowd, which promises to be one of the biggest night crowds in the history of the city. Special trains are being run from suburban points to take part in the parade.

NOMINATIONS CONFIRMED.**Nearly 200 of Them, Some of Them of Diplomatic and Consular Offices.**

WASHINGTON, Jan. 11.—The Senate today confirmed a big batch of nominations, nearly two hundred of them. They were largely of postmasters of the minor classes and mostly for post offices of the far Western States. Other confirmations of nominees for more distinguished places were as follows:

Huntington Wilson of Illinois, now Minister to Rumania and Serbia, and diplomatic agent in Bulgaria, to be Minister to the Argentine Republic.

Horace G. Knowles of Delaware, to be Minister to Nicaragua.

Spencer F. Eddy of Illinois, to be Minister to Rumania and Serbia and diplomatic agent in Bulgaria.

Seth Low Pierpont of Connecticut, to be third secretary of the embassy at Paris.

Col. John D. Chokins, U. S. A., to retired list of army, with rank of Brigadier-General, from December 27, 1908.

Percival Heintzelman of Pennsylvania, to be Consul at Svatov, China.

David R. Birch of Pennsylvania, to be Consul at Alexandria, Egypt.

Lieut. Col. H. F. Hodges, Engineer Corps, for appointment as a member of the Isthmian Canal Commission.

John D. McEwen, to be assistant appraiser of merchandise in the district of New York.

Frederick S. Stratton of California, to be collector of customs for the district of San Francisco.

Willis J. Fowler of Indiana, to be Deputy Comptroller of the Currency (new office).

Edwin R. Leach of California, to be melter and refiner of the mint at San Francisco.

William H. Gibson of Pennsylvania, to be Deputy Assistant Treasurer of the United States.

Gideon C. Bantz of Maryland, to be Assistant Treasurer of the United States.

Joseph L. Eldridge, Jr. of Utah, to be assayer of salt lake city (new office).

Frederick Shanks of Missouri, to be Consul-General at Mexico, Mexico.

Alan G. Snyder of West Virginia, to be Consul-General at Panama.

Richard M. Bartlett of Massachusetts, now Consul at Madrid, to be Consul-General at Buenos Ayres.

TWO 26,000 TON BATTLESHIPS.**House Committee Will Authorize Them in the Naval Bill.**

WASHINGTON, Jan. 11.—Two monster battleships, each with a displacement of 26,000 tons, making them larger than any ships now afloat, will be authorized in the naval appropriation bill in accordance with action taken by the House Committee on Naval Affairs to-day.

The cost of the two ships will be approximately \$19,000,000.

Other increases in the navy proposed by the House committee are five torpedo boat destroyers, four submarines, three additional cruisers and one sub-surface boat. The increases in the naval establishment proposed by the present administration of that service contemplated the construction of twenty-seven vessels and the conversion of others now completed at an estimated cost of \$75,000,000.

The House committee refused by a formal vote to give its indorsement to this comprehensive programme. Instead it agreed to allow fifteen vessels, which it is estimated will cost in the neighborhood of \$30,000,000.

The construction programme to be written into the naval bill as it will be reported to the House will stand as follows: For two battleships, \$19,000,000; four submarines, \$12,000,000; three cruisers, \$3,000,000; five torpedo boat destroyers, \$4,000,000; and one sub-surface boat, making a total of \$29,000,000.

The naval bill will be reported to the House early next week. It will carry authorized expenditures of approximately \$132,000,000, as compared with \$123,000,000 for the current fiscal year.

26 DEAD IN LEITER MINE.**Three Others Are So Badly Burned That They Can Hardly Recover.**

ZIEGLER, Ill., Jan. 11.—Late reports from the Leiter mine, where an explosion occurred yesterday, say that twenty-six bodies have been taken out and that three men are so badly burned that it is not thought they can recover. The last seven bodies to be recovered were taken out this afternoon.

The cause of the explosion is still a mystery, according to a statement made by State Mine Inspector W. S. Burrows, who is at the scene and is leading the rescue work.

The Leiter mine has been unfortunate in explosions. It is estimated that over 100 lives have been lost in this mine in a little over two years. A thorough investigation is expected to follow the explosion.

Government May Intervene in New Jersey Sewer Case.

WASHINGTON, Jan. 11.—The Solicitor-General on behalf of the Government to-day obtained permission of the Supreme Court to file a reply to the brief presented by the State of New Jersey in opposition to the Government's motion to be allowed to intervene in the suit of the State of New York against the Commonwealth of New Jersey over the building of the proposed sewer from the Passaic Valley to New York Bay. The Government contends that some of the facts presented in the brief are disputable.

NEW YORK ELECTORS MEET**CAST THE VOTE OF THE STATE FOR TAFT AND SHERMAN.**

Only One Absentee, Judge Colera E. Martin of Binghamton—Messengers Named to Carry the Result to Washington and Post It at Albany.

ALBANY, Jan. 11.—New York State's thirty-nine electoral votes were formally cast for Taft and Sherman at the session of the Electoral College which met shortly after midday to-day in the Senate chamber at the Capitol.

There was but one absentee in the Electoral College to-day, which was caused by the illness of former Chief of Appeals Judge Colera E. Martin of Binghamton, who was elected to represent the Thirtieth district. In his place the college formally elected County Judge Hazen Blood of Ithaca as elector for that district. Mr. Blood having been formally placed in nomination before the college and voted for by his colleagues.

John G. Wickes of Buffalo was chosen temporary chairman of the college, and Messrs. Neal of New York and Faber of the First district temporary secretaries. The temporary organization had only to do with the filling of the vacancy caused by Judge Martin's illness, and then permanent organization of the college followed, with Charles H. Duell of New York as chairman and Felix M. Warburg of New York and Alva M. Ide of Troy as secretaries. Mr. Faber, one of the temporary secretaries, who was also nominated for permanent secretary, declined the honor.

In assuming the chair the permanent presiding officer made a short speech declaring that no man was better fitted for the exalted honor for which it was the pleasure of the electors to help elevate him than William Howard Taft, and that no one more qualified to carry out the duties of Vice-President would prove more loyal to his country than the distinguished son of New York James Schoolcraft Sherman.

Formal casting of the ballots of the electors for Taft and Sherman then followed, the tellers being Charles S. Adler, George J. Seabury of New York and Julius Lincoln of Chautauque.

An adjournment was taken for lunch. The electors were the guests at luncheon at the Hotel Ten Eyck of Louis L. Waldman, the elector from the Albany district. Among the invited guests was Gov. Charles E. Hughes.

Albert R. Latson of Brooklyn, Franklin Q. Brown of Dobbs Ferry and Daniel M. Edwards of Syracuse were appointed to nominate messengers to convey the result of the balloting to Vice-President Fairbanks at the Senate Chamber, Washington, and to the United States Court for the Northern District of New York. Louis L. Waldman of Albany and Leopold Stern of New York were selected as such messengers.

Frank B. Bork and Herman L. Schrader of New York and Stephen J. Burrows of Brooklyn, were named to deposit the proceedings of the election in the post office at Albany, and to receive therefor. At the conclusion of the day's deliberations a copy of this telegram was sent to successful candidates.

"The Electoral College of the State send you the full strength of thirty-nine votes, its warmest greetings and best wishes for the success of your term of office."

Secretary of State Keogh, through Albert R. Latson of Brooklyn, presented to Judge Duell the gavel which he used in presiding at the meeting. It will be suitably inscribed.

Governor Host to New Jersey Electors.

TRENTON, N. J., Jan. 11.—Gov. Fort entertained the twelve members of the New Jersey Electoral College at luncheon in the State House before the vote of the State was formally cast for Taft and Sherman this afternoon. Frederick Freilhuber, Albany, New York, elected president of the college and Walter E. Edge of Atlantic City secretary.

Franklin W. Fort, a son of the Governor, was elected to convey a copy of the proceedings to the president of the United States Senate.

PROPOSED CROSS STATE ROAD.**Its Promoters Claiming for a Decision From U. S. State P. S. Board.**

ALBANY, Jan. 11.—Buffalo and some of the towns along the line of the proposed Buffalo, Rochester and Eastern Railroad, which was incorporated over a year ago to operate a steam road across the State from Buffalo to Troy, paralleling the New York Central for a considerable part of the route, are clamoring for a decision from the up-State Public Service Commission on the application of the company for permission to construct its road.

In the telegram to Commissioner Thomas Osborne, Edward N. Butler of Buffalo to-day declared that there was general indignation there over the delay in the decision. Resolutions of protest were declared to be coming up all along the line and Commissioner Osborne was asked to say whether a decision could be made to give the indorsement to the project.

Commissioner Osborne's answer to Mr. Butler was in substance as follows: "I believe the case has proceeded as fast as is of great importance and the business of the commission have permitted. There are vast interests at stake and the case is one which must not be influenced by public impatience, no matter how intense. The case is one which, weighing all facts submitted and reviewing all arguments, is necessary. It is easy for those who see but one side to come to a decision. The commission of the Public Service Commission to endeavor to weigh carefully all sides before deciding. This we are trying to do fairly and as quickly as is consistent with public interest."

NO PUNITORY RECEIVERSHIP**For Washington Life—Kelsey Expects to Resign This Week.**

ALBANY, Jan. 11.—Attorney-General O'Malley does not expect to make any move inimical to the interests of the Washington Life Insurance Company at this time. He said to-night that as the Pittsburgh interests had promised that the assets and property of the company should be returned to the vaults of the Washington Life company, the New York to-morrow morning both State Superintendent of Insurance Kelsey and himself considered that receivers ought not to be appointed for the Washington Life at this time.

Mr. Kelsey said to-day that he expected the situation respecting the affairs of the Washington Life company to be sufficiently cleared up so that his resignation will be submitted to Gov. Hughes this week.

To Mobilize the National Guard. ALBANY, Jan. 11.—A bill is to be introduced in the Legislature providing for the mobilization of the entire National Guard of the State next September for the Fulton-Hudson tricentennial celebration. The Guard would assemble as a division to be commanded by Major-Gen. Charles F. Roe.

Theodore Sutor Urges Government Purchase of the Moran Paintings. WASHINGTON, Jan. 11.—Theodore Sutor of New York to-day appeared before the House Committee on Library to urge favorable action on the bill introduced by Representative Olcott appropriating \$250,000 for the purchase by the Government of thirteen historical paintings of the late Edward Moran, now on exhibition in the Smithsonian Institution. The paintings in question are illustrative of scenes of American history, ranging from the landing of Lieut. Erickson to the return of the soldiers of the Spanish-American war. If purchased by the Government they will be hung in the Capitol building.

CANNOT PUNISH LYNCHERS.**Attempt of the Government Fails in the U. S. Supreme Court.**

WASHINGTON, Jan. 11.—The attempt of the Government to punish lynchers by invoking the guarantee of the rights of colored citizens contained in the Fourteenth Amendment and statutes enacted in connection therewith failed to-day when the Supreme Court dismissed the test case against Robert Powell, basing its action upon a prior decision last year in what was known as the Whitecapping case. In 1904 Powell and four other members of a mob who stormed the jail at Huntsville, Ala., notwithstanding it was defended by a company of militia, and took out and lynched Horace Marbles, a negro who was accused of murdering a white man near that town, were indicted for conspiracy to defraud Marbles of his right to trial by jury, &c., but the trial judge, in line with the decision in the Whitecapping cases, held that the indictment charged no offence under the law.

The Government took an appeal to the Supreme Court, which was the first appeal under the law enacted last year permitting it to appeal in criminal cases. To-day's action, taken without an opinion, but based on the decision in the white capping cases, disposed of the case against Powell and the others indicted. The maximum penalty under the indictment would have been imprisonment for ten years, a fine of \$5,000 and loss of the right to hold office.

AUTHORITY OVER RAILROADS.**State Court May Compel a Common Carrier to Desist from Discrimination.**

WASHINGTON, Jan. 11.—That a State court may compel a railroad to perform its duty as a common carrier and desist from discriminating against any of its patrons was decided by the Supreme Court to-day in the case of the Missouri Pacific Railroad Company against the Larabee Flour Mills Company, the action of the Supreme Court of Kansas to that effect being affirmed.

The mill company had a dispute with the Missouri Valley Car Service and Storage Association over a bill for demurrage which the former refused to pay, contending that the delay in handling the cars in question was due to the fault of the railroad company. The latter, however, at the request of the association, of which it was a member, discontinued its previous practice of taking loaded cars from the spur track of the mill and transferring them to the Santa Fe road, about a mile distant. The mill company applied to the Supreme Court of Kansas for relief and that court under the common law ordered the railroad to resume the transfer of cars as before. The railroad appealed.

Justice Brewer to-day in delivering the opinion affirming the decree of the lower court said that when a common carrier refused to perform certain duties as such they might be enforced by mandamus or other suitable remedy and no such remedy was necessary to compel it. As to the contention that it was interference with interstate commerce, especially in view of the fact that the Missouri Valley Car Service, of which the mill company was a member, carried flour a day, three-fifths went into other States, Justice Brewer said that the delegation of the power of Congress over such commerce to the Interstate Commerce Commission was necessary to interfere with the power of the State over that commerce which was domestic in character. The authority of the State in such matters had not been disturbed by the action of Congress.

Justice Holmes concurred in the decision. Justices White and Moody dissented on the ground that the Interstate Commerce Commission was a distinct interference with interstate commerce.

50 CENT GAS DECISION.**The Full Opinion Filed—Covered In Justice Peckham's Memorandum.**

WASHINGTON, Jan. 11.—The opinion of the Supreme Court in the case of the Consolidated Gas Company, in which Justice Peckham last Monday in announcing the decision of the court in favor of the city of New York handed down a memorandum, was filed to-day. The principal point in the opinion is that the holding of the rate of 50 cents per thousand feet of gas not to be confiscatory as was held by the Federal Court at New York, were covered in the memorandum but are amplified in the written opinion.

Justice Peckham goes at length into the reasons of the court for excluding the increase in the valuation placed upon the company's franchise and the holding that the aggregate value of the company's properties brought the total within the figure where the receipts would pay 6 per cent upon them, which was held to be confiscatory. The opinion makes no reference to the disposition to be made of the deposits—now amounting to nearly \$9,000,000—of the difference between the rate of 50 cents and the price of gas paid by consumers since the beginning of the suit.

Movements of Naval Vessels.

WASHINGTON, Jan. 11.—The cruisers Montana and Prairie have arrived at Hampton Roads and the gunboat Duquesne at Bluefields.

The collier Brutus has sailed from Newport News for Guantanamo, the battleships Wisconsin, Illinois and Kearsarge from Port Said for Malta, the tug Rocket from Norfolk for Washington and the cruiser Birmingham from New London on a cruise.

OUR DISPUTES WITH CANADA.**Treaty Providing for a Joint High Commission to Settle Them.**

WASHINGTON, Jan. 11.—Secretary of State Root and James Bryce, British Ambassador, to-night signed a treaty providing a permanent joint high commission for the settlement of practically all international disputes between the United States and Canada. While this treaty was originally understood to take up questions relating to the joint use of the boundary, its scope is much broader than was at first supposed. The proposed commission will take over a large share of the present work of the International Waterways Commission.

Although the text of the convention was agreed upon a few days ago, several slight modifications in the treaty were made at the last moment which necessitated reprinting one page of the document. The treaty will be submitted to the Senate for ratification. Two other treaties with Great Britain have been agreed upon and will probably be signed within the next few days. They are a peculiarly important convention and a convention for the submission of the Newfoundland fishery dispute to arbitration.

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Clearance Sale

Suits and Overcoats \$11.75

Formerly \$15, \$16, \$17, \$18, \$20, \$22

NO rule of this establishment is more rigidly enforced than the one compelling the disposition of all merchandise during the season for which it was made. No effort to secure this result is too great—no reduction sufficient unless it attains the desired end. For this reason New York has never witnessed as great a sale in point of value-giving.

Prices are cut when you really want a winter suit and overcoat. The finest grades are included—garments that represent the highest development in tailoring. A great range of choice fabrics, styles and sizes for all men. At \$11.75

WM. VOGEL & SONBroadway
Houston St.**BEAT A WOMAN, ROBBER HOME****THIEVES LOCK UNCONSCIOUS VICTIM IN A CLOSET.**

She Was Alone in Staten Island House When They Came In—Gets Out Through Window—Fifteen Cuts on Her Head—Assailants Escape.

Mrs. Hermig Semmig, the wife of Otto Semmig, a New York printer, was attacked in her home on Stapleton Heights late yesterday afternoon by two robbers, who after beating her brutally and leaving her for dead, plundered the house and escaped. Mrs. Semmig was said last evening to be in a serious condition. She is 50 years old.

Mr. and Mrs. Semmig live in a three-story house in a rather sparsely settled part of Stapleton. Mrs. Semmig was alone in the house and was sitting in the dining room when two men rushed in and demanded that she give them all the money in the house. She said that she had no money, but before she could say anything else one of the men knocked her from the chair to the floor. The other man ran into the kitchen, where he got a man and a lifer and returning to the dining room beat the woman on the head with them until she was unconscious.

The men then dragged Mrs. Semmig to a closet off the kitchen, threw her into it and locked the door. They searched the house for valuables and left without being observed, so far as can be learned, by any one in the neighborhood.

Their booty consisted of two gold watches, some jewelry and \$3 in cash. In their search they overlooked \$300 that was in a bureau drawer.

Despite her injuries Mrs. Semmig soon revived and got out of the closet by crawling through a window. She made her way to the home of her father-in-law near by, where she collapsed.

Dr. Kroeber was called to attend her and he found that she had fifteen cuts on her head where she had been struck by the robbers. She had lost much blood and was very weak. She could give but a poor description of the robbers last night, but said she believed she could identify them if she saw them again.

The police were notified of the assault and robbery about three-quarters of eight o'clock and Capt. Linden at once sent his detectives out on the case. Every ferry was guarded last night, but the robbers had had sufficient time to reach the St. George ferry and it is thought that they got away to Manhattan.

Watchmen Charges Referred to Secretary Straus.

WASHINGTON, Jan. 11.—Robert Watchorn, Commissioner of Immigration at New York, visited the White House this morning with Secretary Straus of the Department of Commerce and Labor. At the close of their interview with the President it was said that the President had referred the charges against Mr. Watchorn to Secretary Straus, and that Secretary Straus also announced that he would give a hearing to all interested persons.

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